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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the HelpAge International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Written statement by HelpAge International on the 2nd annual report of the independent expert on the enjoyment of all human rights by older persons (A/HRC/30/43)

HelpAge International regrets that at the time of submission of this written statement the 2nd Annual Report (A/HRC/30/43) of the Independent Expert on the enjoyment of all human rights by older persons (hereafter the Independent Expert) was not available. This makes it impossible for us to comment on the content of the report.

However, we have been encouraged by the work of the Independent Expert over the past year. Older people from our partner organizations met with her during her country visits to Slovenia and Mauritius. We contributed to and look forward to the outcome of her consultation on the extent to which the Madrid International Plan of Action on Ageing has enhanced protection of the rights of older persons.

The rights of older persons are, however, not the domain of a single person. We welcome the fact that the Independent Expert has collaborated on joint statements with special procedures on the right to health, freedom from torture, the rights of persons with disabilities, discrimination against women, violence against women, contemporary forms of slavery and the right to food, drawing attention to human rights in older age in relation to violence and abuse (15 June 2015), disability (20 February 2015), violence against internally displaced women (25 November 2014) and palliative care (11 October 2014).

The Independent Expert has been tasked with assessing "*the implementation of existing international instruments with regard to older persons while identifying both best practices in the implementation of existing law related to the promotion and protection of the rights of older persons and gaps in the implementation of existing law*;"(A/HRC/RES/24/20).

Improving the way Member States use existing human rights instruments in relation to their human rights obligations towards older people is also something that HelpAge supports. We have worked with a variety of special procedures and been submitting shadow reports on the rights of older people to treaty bodies since 2007 and stakeholder reports to the Universal Period Review system since 2008. We want to see the whole UN human rights system be more responsive to violations of rights in older age. We look forward to the outcomes of the Independent Expert's assessment in her comprehensive report to the Human Rights Council in 2016.

Nonetheless, it is evident that there are significant barriers to using the existing framework to adequately protect and promote the rights of older persons. A review HelpAge conducted of the two Universal Periodic Review cycles to date, using the UPR database (http://www.upr-info.org/database/), showed that only 113 out of 38,298 recommendations, that is 0.3%, have referred to older people. Only four of those recommendations were specifically on the elimination of discrimination in older age.[1]

This invisibility is not confined to the Universal Periodic Review system. We also used the Universal Human Rights Index (http://uhri.ohchr.org/search/annotations) to review recommendations made across other human rights mechanisms. There have only been 115 specific recommendations on the rights of older persons across all the Special Procedures and Treaty Bodies since 1999 and there is no sign of an increase in attention over time. Even the adoption of the CEDAW general recommendation on the rights of older women in 2010 has not resulted in an increase in recommendations on older women's rights.[2]

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[1] UPR Database, Search under key words: *older persons, elderly, old age, older people*, http://www.upr-info.org/database/ Visited 30th June 2015

[2] Universal Human Rights Index search for older persons (a listed affected group). http://uhri.ohchr.org/search/annotations Visited 1st July 2015

In July this year, the Independent Expert made a statement to the sixth session of the UN Open-ended Working Group on Ageing (hereafter the Working Group). The Working Group was established in 2010 by UN General Assembly resolution A/RES/65/182 to consider the existing international framework of the human rights of older persons and to identify possible gaps and how best to address them, including by considering the feasibility of new instruments and measures.

Over the course of six sessions, a consensus has been reached in the Working Group that there are serious human rights implementation and protection gaps that need to be urgently addressed. It has been established that older persons are subjected to ageism, discrimination and denial of their human rights across different aspects of their lives. It has also been established that the existing international human rights framework is not adequately addressing these undisputed human rights challenges that older persons are subjected to (Report of the Chair A/AC.278/2015/2).

However, despite this progress, the Working Group has failed to address a significant part of the mandate entrusted to it by the UN General Assembly. Only ninety minutes has been spent, in the fourth session in 2013, discussing a proposal containing the main elements of an international legal instrument which the Working Group was mandated to present to the UN General Assembly in the 2012 resolution A/RES/67/139. A mere sixty minutes was dedicated to the concrete proposals submitted by Member States under 2014 resolution A/RES/69/146 at the sixth session in July 2015.

Older people, civil society, a number of Member States and the Chair of the Working Group were in agreement at the sixth session that the current format of the Working Group is preventing it from fulfilling its mandate in its entirety. The format of general discussion, panel presentations and interactive dialogues has not allowed enough time for working on the contents of a new convention. This format must change if the Working Group is to fulfil its mandate in its entirety.

A resolution at the 70th UN General Assembly is the opportunity to bring about this change. There are a number of possible formats. An ad hoc committee or special committee could be set up. The process could be inter-governmental or expert led. A number of proposals on the contents of a new convention have already been submitted by Member States and serve as a starting point for developing the contents of a new convention whichever modality is chosen.

To conclude, the establishment of a new special procedure dedicated to the rights of older people was a major step by the Human Rights Council. It showed that UN Member States recognised that discrimination and denial of rights in older age are human rights issues of considerable concern. We look forward to the Independent Expert's comprehensive report in 2016. However, a three-year term is a short one given the number of issues pertaining to the rights of older people that would benefit from the scrutiny of the mandate. We therefore urge Member States to not only renew the mandate for a second term without hesitation, but also to renew it with sufficient resources to ensure that it can be effectively implemented by the mandate holder.